

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 1-3 and 5-10 are now pending.

Original claim 1-5 and 7 were rejected under 35 USC 102(b) as being anticipated by Okuma. Applicant respectfully traverses this rejection.

The present invention is directed to a leak check device. As recited in claim 1, a voltage control circuit is provided which controls the voltage supplied from the in-vehicle battery to the motor unit to a predetermined voltage, more specifically, a voltage that is more than 67% of the nominal voltage of the battery and less than 84% of the nominal voltage of the battery. Claim 5 has been presented in independent form and specifies that the voltage control circuit supplies a predetermined voltage of more than 8V and less than 10V when a nominal voltage of the battery is 12V. Thus, the present invention as recited in claims 1 and 5 is characterized in that the motor unit is driven with a predetermined voltage limited to a range of 67% (8V) to 84% (10V) of a nominal voltage of a battery, the aforementioned specific voltages of 8V and 10V corresponding to a battery having a nominal voltage of 12V. More preferably the predetermined voltage is less than a voltage required for driving a starter as described in the specification, for example at page 6, lines 5-7, and page 26, line 15- page 27, line 8. By regulating the voltage as claimed, the motor unit is operated stably and hence leak check can be attained accurately as described throughout applicant's specification including in particular pages 26, 27, and 31.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference,

anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

In Okuma, a voltage for driving an air pump (motor) 13 is changed for a leak check (Figure 3). That is, $V1 = 5V$ is for purge system initialization (S2) and $V2 = 12V$ is for leak check (S4). This means that Okuma applies only to the $V2 = 12V$ when performing leak check. Thus, Okuma does not teach or suggest a regulated voltage in the range set forth in applicant's claims 1 and 5, respectively. Thus, the invention of claims 1 and 5 is not anticipated by Okuma.

The Examiner has rejected claim 6 as obvious from Okuma. For the reasons advanced above, however, it is respectfully submitted that Okuma does not teach or suggest regulating voltage as claimed and instead apparently teaches only applying the full nominal voltage of the battery (12V) during leak check and does not teach or suggest regulating the voltage to a limited range thereof as claimed by applicant. Under such circumstances, it would not have been obvious to regulate the voltage to the level recited in claim 6 in the case of a 24V nominal voltage. It is therefore respectfully submitted that claim 6 is allowable over Okuma as well.

Original claim 8 was rejected as unpatentable over Okuma in view of Dalton and claim 9 was rejected as unpatentable over Okuma in view of Dawson. Claims 8 and 9 are submitted to be allowable over Okuma for the reasons advanced above. Because Okuma does not disclose the basic concept of the invention and the secondary references cited by the Examiner do not teach or suggest a regulated voltage as recited


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Appl. No. 10/758,226
September 9, 2005

in claims 1 and 5 it is respectfully submitted that the invention claimed is not anticipated by nor obvious from Okuma whether taken alone or in combination with the secondary references.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Michelle N. Lester
Reg. No. 32,331

MNL:slj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100